IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON DIVISION TWO

STATE OF WASHINGTON,	·)	
Respondent,)	No. 37172-3-II
)	
	•	ADDITIONAL AUTHORITIES
v.)	PURSUANT TO RAP 10.8
)	(ON BEHALF OF
FRANCISCO MILLAN,)	APPELLANT)
Appellant.)	•

Pursuant to RAP 10.8, appellant respectfully submits the following additional

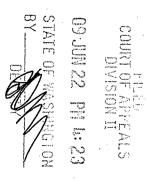
authorities:

State v. Morse, 156 Wn.2d 1, 9-10, 123 P.3d 832 (2005) (whether the courts of this state have "long declined to create 'good faith' exceptions to the exclusionary rule in cases in which warrantless searches were based on a reasonable belief by law enforcement officers that they were acting in conformity with one of the recognized exceptions to the warrant requirement");

State v. Eisfeldt, 163 Wn.2d 628, 639 n. 10, 185 P.3d 580 (2008) (whether the Fourth Amendment, "unlike Article I, section 7, allows good faith exceptions to the warrant requirement"):

<u>U.S. v. Buford</u>, F. Supp. 2d (2009 WL 1635780) (M.D. Tenn. 2009) (whether applying the "good faith" exception to situation created by <u>Gant</u> would be an extension of that doctrine and whether the tension between the "good faith" exception and the holdings regarding the application of constitutional rulings from <u>Griffith</u> on is resolved in favor of application of the rulings);

State v. Jackson, 124 Wn.2d 359, 878 P.2d 453 (1994) (whether a defendant is entitled to the benefit of caselaw which is handed down while the defendant's case is still on review).



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DECLARATION OF SERVICE VIA FACSIMILE AND TELEPHONE

The undersigned hereby declares, under penalty of perjury under the laws of the State of Washington, that she transmitted a true and correct copy of the attached document via facsimile at the verified phone number, to opposing counsel, with verification of receipt, as follows:

To Steve Trinen, Pierce County Prosecutor's Office, 253-798-6636

AND that she conveyed the case names, citations and page numbers if herein via phone message this same date.

DATED this

day of June, 2009.

Kathryn A. Russell Selk Counsel for appellant Russell Selk Law Office 1037 NE 65th Box 135 Seattle, WA. 98115 (206) 782-3353